



**SPECIAL MEETING
ARVIN PLANNING COMMISSION**

**MONDAY MAY 24, 2021 6:00p.m.
CITY HALL COUNCIL CHAMBERS
200 CAMPUS DRIVE, ARVIN**

This meeting is compliant with the Governor’s Executive Order N-25-20 issued on March 4, 2020 and N-29-20 issued on March 18, 2020, allowing for a deviation of teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for staff and the public to conduct city business, while allowing for public participation. The meeting will be held by teleconference only. **The public may participate by calling:**

1-669-900-9128

Meeting ID: 814 7122 3031#

To join the meeting from your computer, tablet or smartphone click on the following link:

<https://us02web.zoom.us/j/81471223031>

The meeting agendas are available at: <https://www.arvin.org/AgendaCenter>

The city will accept comments on any items on the agenda, in writing, and in advance of the meeting, **up until Friday, May 21, 2021 at 3:00pm.** Comments may be mailed to City of Arvin, City Clerk’s Office, PO Box 548, Arvin, CA 93203 or emailed to cvela@arvin.org. In the subject line, please provide “PUBLIC COMMENT ITEM #” (insert the item number relevant to your comment) or “PUBLIC COMMENT NON-AGENDA ITEM”. All public comments will be provided to the Planning Commission and may be read into the record or compiled as part of the record.

CALL TO ORDER Chair Gerardo Tinoco

PLEDGE OF ALLEGIANCE

ROLL CALL:	Gerardo Tinoco	Chairperson
	Joshlyn Horton	Vice Chairperson
	Abdu Nagi Algabyali	Planning Commissioner
	Philip Aaron Hight	Planning Commissioner
	Sergio Hernandez	Planning Commissioner
	Elvira Martinez Moreno	Planning Commissioner (Alternate)



I pledge allegiance to the flag of the United States of America
and to the Republic for which it stands, one nation, under
God, indivisible, with liberty and justice for all.

PUBLIC COMMENTS:

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the City on any item listed on the agenda, or on any non-listed matter over which the City has jurisdiction. At special or emergency meetings, members of the public may only address the City on items listed on the agenda. The City may request speakers to designate a spokesperson to provide public input on behalf of a group, based on the number of people requesting to speak and the business of the City.

In accordance with the Brown Act, all matters to be acted on by the City must be posted at least 72 hours prior to the City meeting. In cases of an emergency, or when a subject matter needs immediate action or comes to the attention of the City subsequent to the agenda being posted, upon making certain findings, the City may act on an item that was not on the posted agenda.

AGENDA STAFF REPORTS AND HANDOUTS:

Staff reports and other disclosable public records related to open session agenda items are available at City Hall, 200 Campus Drive, Arvin, CA 93203 during regular business hours.

CONDUCT IN THE CITY COUNCIL CHAMBERS:

Rules of Decorum for the Public

Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City, be subject to ejection from the meeting per Gov. Code Sect. 54954.3(c).

Removal from the Council Chambers

Any person who commits the following acts in respect to a meeting of the City shall be removed from the Council Chambers per Gov. Code Sect. 54954.3(c).

- (a) Disorderly, contemptuous or insolent behavior toward the City or any member thereof, tending to interrupt the due and orderly course of said meeting;
- (b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
- (c) Disobedience of any lawful order of the Mayor, which shall include an order to be seated or to refrain from addressing the City; and
- (d) Any other unlawful interference with the due and orderly course of said meeting.

AMERICANS with DISABILITIES ACT:

In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by the City, please contact the City Clerk’s office, (661) 854-3134. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

1. Approval of Agenda As To Form. Motion _____ Second _____ Vote _____

Roll Call: PC Hight _____ PC Algabyali _____ PC Hernandez / Alt. PC Moreno _____ VC Horton _____

Chair Tinoco _____

2. PUBLIC COMMENTS

This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.

3. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Regular Meeting of April 20, 2021.

Staff recommends approval of the Minutes of the Regular Meeting of April 20, 2021.

Motion _____ Second _____ Vote _____

Roll Call: PC Hight _____ PC Algabyali _____ PC Hernandez / Alt. PC Moreno _____ VC Horton _____

Chair Tinoco _____

4. PUBLIC HEARING ITEM(S)

A. A Public Hearing to Consider Public Hearing to Consider and Adopt:

1. A Resolution of the Planning Commission of the City of Arvin Recommending the City Council Approve Final Parcel Map No. 12405.
2. A Resolution of the Planning Commission of the City of Arvin Recommending Approval of Conditional Use Permit No. CUP2021-744DerbyStreet for Commercial Cannabis Operations at 744 S. Derby Street, Arvin.
3. A Resolution Recommending the City Council of the City of Arvin Approve a Development Agreement with FSBT Holdings 1, Inc., a subsidiary of Full Spectrum Biotech, for development at 744 S. Derby Street, Arvin.

Staff recommends to open the hearing, allow for public testimony, close the hearing, and approve the Resolutions.

Motion _____ Second _____ Vote _____

Roll Call: PC Hight _____ PC Algabyali _____ PC Hernandez / Alt. PC Moreno _____ VC Horton _____

Chair Tinoco _____

5. REPORTS FROM STAFF

6. PLANNING COMMISSIONER COMMENTS

7. ADJOURNMENT

I hereby certify, under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall Bulletin Board, not less than 24 hours prior to the meeting. Dated: May 20, 2021.



Cecilia Vela, Secretary

**REGULAR MEETING MINUTES
ARVIN PLANNING COMMISSION**

APRIL 20, 2021

CALL TO ORDER @ 6:06PM

PLEDGE OF ALLEGIANCE

ROLL CALL: PC Hernandez and PC Moreno absent; All others present.

1. Approval of Agenda As To Form.

Motion to approve the Agenda.

Motion PC Hight Second VC Horton Vote 4-0

2. PUBLIC COMMENTS

This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.

NONE

3. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Special Meeting of March 22, 2021.

Staff recommends approval of the Minutes of the Special Meeting of March 22, 2021.

Motion to approve the Minutes of the Special Meeting of March 22, 2021.

Motion VC Horton Second PC Hight Vote 4-0

4. PUBLIC HEARING ITEM(S)

A. A Public Hearing to Consider Adoption of A Resolution of the Planning Commission of the City of Arvin Recommending Denial of A Public Convenience and Necessity for A Type 20 Off-Sale License at 100 Bear Mountain Blvd. to the City Council of the City of Arvin. (Director of Administrative Services)

Staff recommends to open the hearing, allow for public testimony, close the hearing, and approve the Resolution recommending denial of a public convenience and necessity for a Type 20 Off-Sale license at 100 Bear Mountain Blvd. to the City Council of the City of Arvin.

Hearing opened.

Public Testimony: Randy Thompson provided comments strongly disagreeing with denial of this item and is in favor of approving the license.

Hearing closed.

Motion to approve the Resolution recommending denial of a public convenience and necessity for a Type 20 Off-Sale license at 100 Bear Mountain Blvd. to the City Council of the City of Arvin.

Motion Chair Tinoco
voted No.)

Second PC Algabyali

Vote 2-2 (PC Hight and VC Horton

- B.** A Public Hearing to Consider Adoption of A Resolution of the Planning Commission of the City of Arvin Recommending the City Council Approve Tentative Parcel Map No. 12405, Including the Adoption of an Exemption Pursuant California Environmental Quality Act Guidelines Sections 15061(b)(3), 15301 (Existing Facilities), and 15332 (In-Fill Development Projects). (City Engineer)

Staff recommends to open the hearing, allow for public testimony, close the hearing, and approve the Resolution.

Hearing opened.

No public testimony.

Hearing closed.

Motion to approve the Resolution.

Motion VC Horton

Second Chair Tinoco

Vote 4-0

Resolution No. APC 2021-01

- 5. WORKSHOP** - Preliminary Assessment of Conditional Use Permit No. CUP2021-744DerbyStreet for Commercial Cannabis Operations at 744 S. Derby Street, Arvin.

6. REPORTS FROM STAFF

7. PLANNING COMMISSIONER COMMENTS

8. ADJOURNED @ 7:06PM

Respectfully submitted,

Cecilia Vela, Secretary



**SPECIAL ARVIN PLANNING COMMISSION MEETING
Staff Report**

Meeting Date: May 24, 2021

TO: Arvin Planning Commission

FROM: Jerry Breckinridge, City Manager
Carlos Rojas, Contract Planner

SUBJECT: Public Hearing to Consider and Adopt:

1. A Resolution of the Planning Commission of the City of Arvin Recommending the City Council Approve Final Parcel Map No. 12405.
2. A Resolution of the Planning Commission of the City of Arvin Recommending Approval of Conditional Use Permit No. CUP2021-744DerbyStreet for Commercial Cannabis Operations at 744 S. Derby Street, Arvin.
3. A Resolution Recommending the City Council of the City of Arvin Approve a Development Agreement with FSBT Holdings 1, Inc., a subsidiary of Full Spectrum Biotech for development at 744 S. Derby Street, Arvin

RECOMMENDATION:

Staff recommends that the Planning Commission approve the attached Resolutions recommending the City Council Approve Final Parcel Map (PM) No. 12405, Approve Development Agreement (DA), and approve Conditional Use Permit (CUP) 2021-744DerbyStreet for Commercial Cannabis Operations located at 744 South Derby Street, Arvin. The Commercial Cannabis Operations will include four licenses that are as follow: Type 3A (Cultivation; Indoor; Medium), Type 7 (Manufacture 2), Type 10 (Retailer-delivery only) and Type 11 (Distributor), and adoption of a related CEQA exemption finding pursuant to the California Environmental Quality Act.

APPLICANT AND LOCATION:

Applicant:	MAJ Consulting, 2924 East Belle Terrace, Bakersfield, CA 93307
Project Address:	744 South Derby Street, Arvin, CA 93203
Project Location:	North of East Langford Avenue - 744 South Derby Street- (See APN Below)
Assessor Parcel No. and Size:	APN 193-160-02, 1.71 Acres
Zoning:	M-2, Light Manufacturing Zone
General Plan Land Use Designation	Light Industrial

BACKGROUND:

The City adopted Chapter 17.64 Commercial Cannabis Activity on June 19, 2018 permitting specific commercial cannabis activities by Conditional Use Permit (CUP), including within the M-2 zoned district. The ordinance includes protections for the community, including restricting uses near homes, schools, parks and libraries. The City's ordinances also require the City to enter development agreements with the developer. The development agreement details the obligations of the City and the developer and it specifies the standards and conditions that will govern the development of the property.

Development agreements are contracts approved by the City Council after consideration of the Planning Commission recommendation. They are entered into between the City and a developer to expressly define a development project's rules, regulations, commitments, and policies for a specific period of time. The purpose is to strengthen the public planning process by encouraging private participation in the achievement of comprehensive planning goals and reducing the economic costs of development. A development agreement reduces the risks associated with development, thereby enhancing the City's ability to obtain public benefits beyond those achievable through existing ordinances and regulations.

Full Spectrum Biotech ("Developer") has filed applications with the City for Commercial Cannabis Operations on an existing building located at 744 South Derby Street, in Arvin, California, which is generally located north of Sycamore Road fronting South Derby Street. No additional buildings or structures are being proposed at this time. The Developer is proposing the property be used for the development of cannabis uses for the following type of application:

1. Type 3A License- (Indoor Cultivation) on 11,864 Square Feet and 24,008 for Phase 1 and Phase 2 respectively (17.64.040.A.5).
2. Type 7- Manufacturer 2-Manufacturing of cannabis products using volatile solvents (17.64.040.A.11)
3. Type 10- Retailer- No Storefront Retail, Delivery Only (17.64.040.A.16)
4. Type 11- Distributor (17.64.040.A.17)

Along with the Development Agreement, the Parcel Map (PM) and CUP (collectively "entitlements") will allow for commercial cannabis activities to operate at the site. Once the Developer has obtained approval of the entitlements, the Developer will then be required to obtain further permits for cannabis uses as required by Chapter 17.64 of the Arvin Municipal Code, as well as the appropriate licenses from the State before operations may commence.

The proposed Development Agreement complies with the purposes, goals and policies of the City's General Plan. Accordingly, the Development Agreement is consistent with all applicable provisions of the General Plan. The proposed land uses, and the density are also compliant per this requirement.

The Parcel Map and division of an existing building is required prior to use under the CUP. AS such, the approval of the CUP will be contingent upon approval of the Parcel Map by the City Council.

COMMUNITY BENEFITS:

The Development Agreement will provide substantial benefit to the community including the following:

- Developer to pay \$100,000.00 in unrestricted community benefit funds.
- Developer to pay \$1.00 per square foot of canopy space for cultivated cannabis every quarter.
- Developer to pay 100% of the cost of processing Developer's applications.
- Developer shall make a one-time payment of \$0.044 per square foot of indoor cannabis permitted use to offset the proportionate amount of the City's costs of preparation of Ordinance No. 447 – Chapter 17.64 Commercial Cannabis Activities.
- Developer shall pay the City one of the following maximum rates for cultivation activities within the Project Area:
 - For all space utilized as cultivation area where Mixed-Light Cultivation is used one dollar (\$1.00) per square foot on a quarterly basis;
 - For all space utilized as cultivation area other than as specified above) – one dollars and fifty cents (\$1.50) per square foot on a quarterly basis.
- Developer shall pay the City, other than for cultivation, the following rates on a quarterly basis:
 - (i) For manufacturing- two point eight percent (2.8%) of proceeds
 - (ii) For distribution – one percent (1%) of proceeds.
 - (iii) For retail sales – three point seven five percent (3.75%) of proceeds.

CONDITIONS OF APPROVAL:

In addition to requiring compliance with the detailed conditions of the City's commercial cannabis ordinance, the PM and the CUP include conditions related to on-site improvements which include landscaping, parking, hours of operation (which are allowed 24 hours a day, 365 days a year for cultivation activities), road improvement on South Derby Street, building code, business license, locations of types of operations within the building, approvals by other agencies, etc. See the attachment to the proposed Resolution for additional details.

ENVIRONMENTAL CONSIDERATIONS:

This project has already been environmentally assessed pursuant to the California Environmental Quality Act (CEQA), and the City has adopted a finding this project is subject to exemptions under CEQA Guidelines Sections 15061(b)(3), 15301, and 15332. As such, no further assessment is required.

PUBLIC NOTIFICATION:

The City properly noticed the May 24, 2021, public hearing before the Planning Commission for the proposed Parcel Map (PM) and Conditional Use Permit (CUP) 2021-744DerbyStreet pursuant to Government Code sections 65090 and 65091 by publication in the newspaper on May 14, 2021. A copy of the notice is attached to this staff report, Attachment 1. In addition, the City Clerk provided notice of the proposed conditional use permit by mailing the public notice to all property owners within the 300-foot radius.

ATTACHMENTS:

1. A Resolution of the Planning Commission of the City of Arvin Recommending the City Council Approve Final Parcel Map No. 12405. (Including Parcel Map No. 12405, and conditions of Approval for Final PM No. 12405, a DA and CUP No. 2021-744DerbyStreet)
2. A Resolution of the Planning Commission of the City of Arvin Recommending Approval of Conditional Use Permit No. CUP2021-744DerbyStreet for Commercial Cannabis Operations at 744 S. Derby Street, Arvin.
3. A Resolution Recommending the City Council of the City of Arvin Approve a Development Agreement with FSBT Holdings 1, Inc., a subsidiary of Full Spectrum Biotech, for development at 744 S. Derby Street, Arvin (with attached Development Agreement)
4. Exhibit 1 – Proposed Site Plan – 744 South Derby Street
5. Attachment 1. Public Hearing Notice.